

**Notice of Allowability**

Application No.

10/780,383

Applicant(s)

JOHNSTON ET AL.

Examiner

Mujtaba K. Chaudry

Art Unit

2112

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 9/27/2007.
2. ☒ The allowed claim(s) is/are 27-55.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

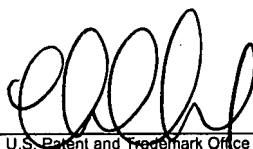
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

 10/12/07

### **DETAILED ACTION**

Applicants' response was received September 27, 2007.

- Double patenting rejection is withdrawn in light of the Terminal Disclaimer.
- Claims 1-26 were cancelled.
- Claims 27-55 are allowed.
- Claim objection is withdrawn in light of amendments.

Application allowed.

### **REASONS FOR ALLOWANCE**

Claims 27-55 are allowed. The following is an Examiner's statement of reasons for allowance:

Independent claim 27 of the present application teaches, for example, a bitstream in computer-readable medium, the bitstream obeying the MPEG-2 or MPEG-4 protocol that permits the transmission of private data in the data stream element (DSE) field of the obeyed protocol, the bitstream generated according to a method comprising: receiving data from a data source; determining syntax information for the data; encoding the data and the syntax information into an encoded bitstream, at least a portion of the syntax information being included in the DSE field and the interpretation of the portion of the syntax information being unspecified by the obeyed protocol; and transmitting the encoded bitstream. The foregoing limitations are not found in the prior arts of record. Particularly, none of the prior arts of record teach, alone or in combination, nor fairly suggest, "...the bitstream obeying the MPEG-2 or MPEG-4 protocol that permits the transmission of private data in the data stream element (DSE) field of the obeyed

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protocol, the bitstream generated according to a method comprising: receiving data from a data source; determining syntax information for the data; *encoding the data and the syntax information into an encoded bitstream, at least a portion of the syntax information being included in the DSE field and the interpretation of the portion of the syntax information being unspecified by the obeyed protocol*; and transmitting the encoded bitstream.” Emphasis added.

Dependent claims 28-39 depend from allowable independent claim 27 and inherently include limitations therein and therefore are allowed as well.

Independent claim 40 includes similar limitations of independent claim 27 and therefore is allowed for similar reasons.

Dependent claims 41-52 depend from allowable independent claim 40 and inherently include limitations therein and therefore are allowed as well.

Independent claim 53 includes limitations, “...*the interpretation of at least a portion of the data in the private data portion being unspecified by obeyed protocol, the bitstream including encoded data and further including syntax information for the encoded data, at least a portion of the syntax information being included in the private data portion; and obtaining said portion of the syntax information from said private data portion*” and therefore is allowed.

Dependent claims 54-55 depend from allowable independent claim 53 and inherently include limitations therein and therefore are allowed as well.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mujtaba K. Chaudry whose telephone number is 571-272-3817.

The examiner can normally be reached on Mon-Fri 9-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mujtaba Chaudry  
Art Unit 2112  
October 12, 2007